



PIPER
MARBURY
RUDNICK
& WOLFE LLP

RECEIVED

NOV 13 2000

DOCKET FILE COPY ORIGINAL FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

1200 Nineteenth Street, N.W.
Washington, D.C. 20036-2412
www.piperrudnick.com

PHONE (202) 861-3900
FAX (202) 223-2085

E. ASHTON JOHNSTON

ashton.johnston@piperrudnick.com
PHONE (202) 861-6665

November 13, 2000

HAND DELIVERY

Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, D.C. 20554

Re: CC Docket No. 00-176

Dear Ms. Salas:

On behalf of Digital Broadband Communications, Inc. ("Digital Broadband"), submitted herewith for filing is a Declaration of John McMillan, correcting and clarifying statements contained in Mr. McMillan's Declaration, which is included in Exhibit A to the Comments of the Association for Local Telecommunications Services Coalition, filed October 16, 2000 in the above-referenced proceeding. Attachment 1 to Mr. McMillan's initial Declaration remains unchanged; the limited purpose of the enclosed Declaration is to correlate certain figures shown in Attachment 1 to statements contained in the Declaration.

Sincerely,


E. Ashton Johnston

EAJ/jas

Enclosure

No. of Copies rec'd 012
Lib. File #

Declaration of John McMillan

I, John McMillan, hereby state the following:

1. On October 16, 2000, I submitted a Declaration as part of the Comments of the Association for Local Telecommunications Services to the Federal Communications Commission in opposition to Verizon New England, Inc.'s application for authorization under Section 271 of the Communications Act of 1934, as amended, to provide in-region, interLATA service in Massachusetts (the "October 16 Declaration").

2. With this Declaration, I wish to modify paragraphs 7 and 8 of the October 16 Declaration. Attachment 1 to the October 16 Declaration is a chart that depicts, for the period of August and September 2000, Verizon's performance with respect to the provisioning of loop orders placed by Digital Broadband Communications, Inc. The first two columns of Attachment 1 are "Total Failed Installs" (a total of 122 for the two months sampled) and "No. of Failed Installs Caused by Verizon" (a total of 69 for the two months sampled). The fourth column shows the number of cooperative testing failures (60) out of total orders sampled (308), and the fifth column shows a corresponding percentage of 19.5.

3. All of the figures in Attachment 1 to the October 16 Declaration are correct and the column headings under which those figures are listed are also correct. The second sentence in paragraph 7 of the October 16 Declaration, however, incorrectly describes the data and percentage in columns four and five of Attachment 1 as data relating to the number of loops that failed installation after having passed initial testing at the time of delivery. Columns four and five of Attachment 1 actually refer to the number of orders in August and September 2000 that *failed* initial testing, or 60 out of 308 or 19.5%.

4. To correct this inadvertent error, I hereby modify paragraph 7 of the October 16 Declaration to read as follows:

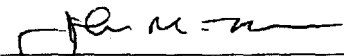
"7. Attachment 1 to my Declaration represents the DSL local loop orders that Verizon delivered to Digital Broadband in August and through the third week of September 2000. These figures show that during this period, 19.5% (60 out of 308) orders failed initial cooperative testing. The failure rate for DS1 orders has been even higher. Attachment 1 shows that of a sample of 32 DS1 circuits delivered between September 18 and September 22, 2000, more than one-half (18 of 32) did not pass initial testing."

5. The statements in paragraph 8 of the October 16 Declaration correctly refer to the number of failed installations after successful initial testing. While Paragraph 8 is accurate, I also wish to modify it so that it is entirely clear. Specifically, paragraph 8 refers to the data in the first two columns of Attachment 1 as the supporting data for the statement that 69 out of 122 orders failed installation after passing initial testing as a result of Verizon's actions, which corresponds to approximately 56% of the failed orders in August and September 2000.

6. Accordingly, I hereby modify paragraph 8 of the October 16 Declaration to read as follows:

"8. Attachment 1 also shows a sample of DSL and DS1 local loop orders and DS1 IOF orders placed by Digital Broadband in August and September 2000. These figures show that during the periods sampled, a total of 122 orders passed the initial remote cooperative testing at time of loop turnover but not did pass subsequent testing when Digital Broadband performed installation at the customer premises. Approximately 56% of these failures, or 69 out of 122, were due to Verizon. The number of failed installations was virtually identical for the August sample period and for the September sample period, although the percentage of failures due to Verizon was greater for the September period. (I note that these are samplings based on discrete time periods during August and September, and that samples of orders from other periods in the past have shown even *higher* failure rates.)"

I hereby declare under penalty of perjury of the laws of the United States of America, that the foregoing statements are true and correct to the best of my knowledge, information, and belief.


John McMillan

November 9, 2000